

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MOTION OF MIDFIRST BANK FOR RELIEF FROM THE AUTOMATIC STAY ON
FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 3234 FULLER STREET,
PHILADELPHIA, PA 19136**

MidFirst Bank ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 3234 Fuller Street, Philadelphia, PA 19136 ("Property"). In support of its motion, Creditor states the following:

1. Jennifer Haken-Lafty ("Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on April 27, 2020 (the "Petition Date").
 2. On October 23, 2015, Debtor executed a Note in the original amount of \$176,739.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.
 3. To secure the Note, a Mortgage was given October 23, 2015 and recorded October 28, 2015. A copy of the Mortgage and subsequent Assignments of Mortgage are attached as

Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.

4. The terms of the Note were subsequently modified as set forth in the Loan Modification Agreement (Mortgage), attached as Exhibit C.
5. There are no other liens against the property as listed in Debtor's Schedule D.
6. As of March 8, 2022 the total outstanding amount due on the Note is \$205,928.40 which consists of:

| | |
|----------------|--------------|
| Principal | \$189,181.95 |
| Interest | \$8,434.31 |
| Escrow advance | \$6,665.89 |
| Late charges | \$611.63 |
| Other Fees | \$2,644.73 |
| Suspense funds | \$(1,610.11) |

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 3 months as of March 8, 2022 and has been charged post-petition fees and charges in the amount of \$193.19. As a result Debtor is in default in the amount of \$3,766.41. This amount is broken down as follows:

| <u>Post Petition Payments Delinquent to Creditor</u> | | |
|---|---------------|--------------|
| Date Range | Amount | Total |
| January 2022 to March 2022 | \$1,632.61 | \$4,897.83 |
| Post-petition Fees and Charges: \$193.19 | | |
| Suspense: \$(1,324.61) | | |
| Total: \$3,766.41 | | |

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of the attached Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
Adam B. Hall (323867)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-220-5611
Fax: 614-627-8181
Attorneys for Creditor
The case attorney for this file is Alyk L.
Oflazian.
Contact email is
ALOflazian@manleydeas.com

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of MidFirst Bank for Relief from the Automatic Stay on First Mortgage for Real Property located at 3234 Fuller Street, Philadelphia, PA 19136 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

Kenneth E. West, Chapter 13 Trustee, Office of the Chapter 13 Standing Trustee, 1234 Market Street - Suite 1813, Philadelphia, PA 19107, ecfemails@ph13trustee.com

Brad J. Sadek, Attorney for Jennifer Haken-Lafty, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on March 14, 2022:

Jennifer Haken-Lafty, 3234 Fuller Street, Philadelphia, PA 19136

DATE: 3/14/2022

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
Adam B. Hall (323867)
Manley Deas Kochalski LLC
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The case attorney for this file is Alyk L.
Oflazian.
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20-011567_RNT1